REMARKS

This Amendment is in response to the Office Action of September 18, 2003. Applicants respectfully submit that all the claims presently on file are in condition for allowance, which action is earnestly solicited.

REJECTION UNDER 325 USC 103

Claims 1-17 were rejected under 35 USC 103(a) as being unpatentable over He et al. (U. S. Pat. No. 6,088,451) and Hess et al. (U.S. Pat. No. 5,471,670) in view of Sonderegger (U.S. Pat. No. 5,893,118). In support of this position, Applicants submit the following arguments:

A. Legal Standards for Obviousness

The following are court opinions set the general standards in support of Applicant's position of non-obviousness, with emphasis added for added clarity:

- "**Obviousness cannot be established** by combining the teachings of the prior art to produce the claimed invention, **absent some teaching or suggestion** supporting the combination." *In re Fine, 837 F.2d at 1075, 5 USPQ2d at 1598 (citing ACS Hosp. Sys. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984)).* **What a reference teaches** and whether it teaches toward or **away from the claimed invention** are questions of fact. *See Raytheon Co. v. Roper Corp., 724*

F.2d 951, 960-61, 220 USPQ 592, 599-600 (Fed. Cir. 1983), cert. denied, 469 U.S. 835, 83 L. Ed. 2d 69, 105 S. Ct. 127 (1984). "

- "When a rejection depends on a combination of prior art references, there must be **some teaching, suggestion, or motivation** to combine the references. See *In re Geiger*, 815 F.2d 686, 688, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987)."

- "With respect to core factual findings in a determination of patentability, however, the **Board cannot simply reach conclusions based on its own understanding or experience** -- or on its assessment of what would be basic knowledge or common sense. **Rather, the Board must point to some concrete evidence in the record** in support of these findings." See *In re Zurko*, 258 F.3d 1379 (Fed. Cir. 2001).

- "We have noted that **evidence of a suggestion, teaching, or motivation to combine** may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved, see *Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc.*, 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996), *Para-Ordinance Mfg. v. SGS Imports Intern., Inc.*, 73 F.3d 1085, 1088, 37 USPQ2d 1237, 1240 (Fed. Cir. 1995), although "the suggestion more often comes from the teachings of the pertinent references," *Rouffet*, 149 F.3d at 1355, 47 USPQ2d at 1456. The range of sources available, however, does not diminish the requirement for actual evidence. That is, **the showing must be clear and particular**. See, e.g.,

C.R. Bard, 157 F.3d at 1352, 48 USPQ2d at 1232. **Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence."** E.g., McElmurry v. Arkansas Power & Light Co., 995 F.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993) ("Mere denials and conclusory statements, however, are not sufficient to establish a genuine issue of material fact."); In re Sichert, 566 F.2d 1154, 1164, 196 USPQ 209, 217 (CCPA 1977)." See In re Dembiczak, 175 F. 3d 994 (Fed. Cir. 1999).

- "To prevent the use of hindsight based on the invention to defeat patentability of the invention, **this court requires the examiner to show a motivation to combine the references** that create the case of obviousness. In other words, **the examiner must show reasons** that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references **for combination in the manner claimed.**" See In re Rouffet, 149, F.3d 1350 (Fed. Cir. 1998).

B. Summary of the Present Invention

Prior to discussing the merit of the obviousness rejection under 35 U.S.C. 103, it might be desirable to review a summary of the present invention and some of the features provided thereby. The present system (or method) introduces the concept of "implicit logoff", which is a secure log-off procedure that can be used **in addition to the conventional express log-off and cookie termination.**

The implicit log-off procedure presents numerous advantages over the conventional termination or logoff procedures, in **that it reduces the risk to a user resulting from choosing an insecure site while logged onto a secure site.** Users are provided with pop up warnings on their monitors, alerting them to the unattended pending connection to the secure site. The implicit log-off procedure further mitigates the risk of losing control of private information as the result of a session that has not been appropriately terminated by the user. In addition, the implicit log-off procedure reduces the business costs associated with a non-productive, secure session, and avoids undesirable log-offs by providing to the user appropriate warnings.

The implicit log-off procedure provides an add-on notification module to the user's browser that is completely transparent to the user, sends a message to the ebusiness server notifying it that the client is no longer actively involved in a secure, online transaction. This notification may result from total inactivity on the part of the client, from the client's choice of another site or page that is not secure, or from simply leaving the secure site.

In use, the user visits a website of a business using a web browser. At some point, the user enters a secure region through log-in. At this point, the browser begins to track the user's activity. Subsequently, one of the following events may occur:

a) <u>The user selects a new URL</u>. If this URL is a secure region <u>within the same business site</u>, the warning system remains dormant pursuant to the e-business site administrator policy or discretion.

b) <u>The user selects a new URL</u>. If this URL is <u>outside the business space</u>, such as for example the URL of another business, the system may be configured to bring up a warning pop-up window on the user's monitor, informing the user that he or she is leaving the security zone. The user is given the opportunity to log off from the secure connection.

c) <u>The user selects a non-secure region of the same business site</u>. The system may optionally warn the user. Repeated warnings to the user can cause annoyance and, hence, the system allows the user to turn off these warnings.

d) <u>The user may enter a period of inactivity within the secure site</u>. After a preset duration the warning system brings up a pop-up window to warn the user that he or she should continue the transaction, log off, or set the time out duration to a period of his or her own choice. Should the client fail to respond in a pre-determined time the system may log off the user.

C. Independent Claims 1, 9, and 11

The following Table summarizes Applicants arguments in response to the office action, in support of the allowability of the representative independent claim 1.

CLAIM 1	OFFICE ACTION REJECTION GROUNDS	ARGUMENTS
1. A system for assisting a user conducting a transaction on a secure site of a server to __implicitly logoff from the secure site__, comprising: the server including:	As per claims 1, 2, 3, 5-13 and 15-17 He discloses a system/method for securing access to network elements by user elements, wherein the network elements and the user elements are coupled to a network. A network security server ... comprising: the server including:	(1) He does not disclose an implicit logoff process.
a secure transaction protection module that tracks a user's access state to the server;	a secure transaction protection module that tracks a user's access state to the server (see., abstract, lines 7-13, fig 2, please note that user credentials or privileges also include Web site);	
a database in communication with the secure transaction protection module, for storing data to be accessed by the user;	a database in communication with the secure transaction protection module, for storing data to be accessed by the user (see., abstract, lines 14-16, col 2, lines 12-34);	
an identification module for validating the user's access to the database; and	an identification module for validating the user's access to the database (see., abstract, line 7-13, col 2, lines 12-34); and	
a notification module for notifying the secure transaction protection module of a user's request to initiate a session on the server;	a notification module for notifying the secure transaction protection module of a user's request to initiate a session on the server (see.. col 31, lines 3038).	
wherein if the user selects an insecure site while logged on to the secure site of the server, the notification module sends a warning notice to the user to alert the user of an impending logoff from the secure site, and further sends a termination command to the secure transaction protection	It is to be noted that __He does not explicitly disclose wherein if the user exists the secure site, the notification module sends a message to the secure transaction protection module for logging off the user from the secure site__ (which is interpreted as if the user exits its __initial site__ notify the central controller). However, Hess discloses a multiple site communication system for determining when hand off a communication that is occurring on one communication resource to another communication resource. When the system or unit exits initial site notify the central controller (see col 5, lines 14-29).	(2) Neither He, Hess, nor Sonderegger distinguishes between secure and insecure sites, so that if the user selects the insecure site while logged on to the secure site of the server, to initiate the

module for implicitly logging off the user from the secure site; and	"implicit logoff" process. (3) Neither He, Hess, nor Sonderegger discloses "implicitly logging off" the user from the secure site in response to the user exiting the secure site.
	Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the security system of He by including the limitations detailed above because such modification would provide the security system of He with the enhanced capability of notifying when a user exists the central controller or (secure site). **He and Hess fail to explicitly disclose the implicit Logoff process.** As stated by Applicant in page 5 of the response, filed on 06/30/2003. Implicit logoff reduces the risk to a user resulting from choosing an insecure site while logged onto on a secure site. However, Sonderegger discloses a useful programs that cannot freely access the disk, RAM, and other system resources. **Applets (or implicit logoff)** can only look at and download from the site where the applet was originally located. This was designed as a security feature in that the Web site the applet came from is deemed secure, while all other sites are presumed to be insecure, and therefore, the Applet is readable as an implicit logoff (see. col 2, lines 13-24). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of He and Hess by including the limitation detailed above because this would ensure that a user has a valid applet.	(4) He, Hess, and Sonderegger cannot be properly combined.
wherein the secure transaction protection module causes the session to be terminated in response to the termination command, absent an instruction from the user to maintain a connection with the secure site.		(5) Neither He, Hess, nor Sonderegger provides the ability to allow the "implicitly log off" process to terminate the connection absent a user instruction to the contrary.

First Distinguishing Argument

Applicants submit that He does not disclose an implicit logoff process. Applicants agree with the examiner that **He and Hess fail to explicitly disclose the implicit Logoff process**. Applicants provided a specific definition of the concept of "implicit logoff" to include a secure log-off procedure **that can be used in addition to** the conventional express log-off and cookie termination. As a result, <u>it would be impermissible</u>, for examination purpose, <u>to reinterpret the meaning</u> of the implicit logoff process to cover express log-off or cookie termination <u>(including applet termination)</u>.

More specifically, the term "implicit log-off" was coined in the present application for the purpose of describing the functionality of the invention, as follows: "implicit log-off [at step 330, which] means that the client will implicitly send the log-off message event to the server 15 **without the user explicitly choosing the logout option**."

Since the term "implicit log-off" was clearly defined by Applicants, <u>it would not be permissible for the Examiner to redefine this term in hind-sight,</u> in order to justify a rejection ground. As an example, the fact that the user has left the <u>initial site</u> and the central controller is notified, <u>does not imply that the user will be automatically and implicitly logged off, as described in the present application.</u>

Second Distinguishing Argument

Applicants submit that neither He, Hess, nor Sonderegger <u>distinguishes</u> <u>between secure and insecure sites</u>, so that if the user selects the insecure site while logged on to the secure site of the server, to initiate the "implicit logoff" process. The instant claim 1 has been amended to clarify the distinction between the secure and insecure sites.

As a result, the argument that "when the system or unit exits initial site notify the central controller (see col 5, lines 14-29)" has now become moot in view of the termination from the "initial site," in that <u>Hess does not</u> <u>provide a directional basis (from the secure to the insecure site)</u> for the termination of the session.

Third Distinguishing Argument

Applicants submit that neither He, Hess, nor Sonderegger discloses "<u>implicitly logging off</u>" the user from the secure site in response to the user <u>exiting the secure site.</u> As stated earlier in the "First Distinguishing Argument," <u>it would be impermissible</u>, for examination purpose, <u>to</u> <u>reinterpret the meaning</u> of the implicit logoff process to cover express log-off, cookie termination, or another convention termination such as applet termination.

In other terms, applet termination is clearly distinguished over in the instant application, and thus it would be impermissible to impose a contrary

interpretation to the applicants' intention. Briefly, "applet termination" cannot be equated to "implicit logoff" as defined herein.

Fourth Distinguishing Argument

Applicants submit that He, Hess, and Sonderegger cannot be properly combined in view of the legal grounds above. Neither He, Hess, nor Sonderegger provides evidence of a suggestion, teaching, or motivation to combine these three references. The legal authorities above require that the evidence be clear and particular, and note that broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence."

More specifically, the fact that it would be desirable to combine "three" references, neither of which teaches the main concept or elements of the invention as claimed, simply to "ensure that a user has a valid applet" does not qualify as "evidence" within the ambit of the legal authorities above. Actually, validating applets is irrelevant to the present invention and thus such ground cannot be used as a ground for combining the three references.

Fifth Distinguishing Argument

Applicants submit that neither He, Hess, nor Sonderegger provides the ability to allow the "implicitly log off" process to terminate the connection absent a user instruction to the contrary.

Applicants have amended claim 1 to clarify that the implicit logoff process terminates the connection while taking into account the user's instructions.

Conclusion

Claim 1 is thus not obvious in view of He, Hess, nor Sonderegger, and the allowance of this claim and the claims dependent thereon is earnestly solicited.

Independent claims 9 and 11 are allowable for containing a similar subject matter to that of claim 1. Therefore, claims 9 and 11 and the claims dependent thereon are also allowable.

TELEPHONE INTERVIEW

Applicants thank the Examiner for according the undersigned attorney of record a telephone interview on October 14, 2003. During this interview, the conferring parties discussed claim 1 in view of the cited references, but no final agreement was reached.

CONCLUSION

All the claims presently on file in the present application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned at the below-listed telephone number.

Respectfully submitted,

Date: <u>January 15, 2003</u>

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